

US EPA ARCHIVE DOCUMENT

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Lining Up the Ducks For A Cooperative NRDA

Freshwater Spills Symposium
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Overview of Topics

- Review Factors That Promote Cooperative NRDAs
- Case Study: Bay Point, CA., Gasoline Spill
- Lesson: Up-Front Efforts Key To Success



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NRDA Image



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What Promotes Cooperation?

- Pre-existing Relationships
- Trust
- Focusing on Restoration



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What Promotes Cooperation?

- Understanding Expectations of Respective Constituents
- Using Joint Technical Experts
- Technical Workgroup
- Common Laboratory

What Promotes Cooperation?

- RPs Willingness To Advance Costs
- Agreeing To Manage Uncertainty
- Threat of Litigation Low
- Defining “Cooperation” Up-Front



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What is Cooperation???

- Sharing Information
- Collaborating on Study Needs and Design
- Providing Equal Access to Information and Consultants
- Listening to Each Other
- Agreeing to Disagree
- Working Issues Together

What Promotes Cooperation?

- **First Meeting Critical**
 - No Lawyers
 - No Consultants
 - Frame Game Plan



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Establishing Relationships Joint Assessment Team

- Formed 6 Years Ago
- Major Oil Companies
- State and Federal Trustees



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Joint Assessment Team

- **Goals**
 - Enhance Effectiveness of NRDA
 - Promote Effective Communication
 - Dispel Myths
 - Promote Cooperation
 - Build Trust
 - Forum to Discuss Issues Outside of Spill Response Arena

Joint Assessment Team

- **Conduct Drills**
- **Review Draft Documents**
 - Guidelines for Scientific Study of Oil Spills
 - Biomarkers
 - Ephemeral Data Collection Plans
- **Guest Speakers for Special Topics**
- **Expand Membership to Pipelines Companies**

Bay Point, CA Gasoline Spill: Proving It Can Work

- Pipeline Rupture – 4 October 2000
- 330 bbls Unleaded Gasoline Discharged
- Unnamed Slough Tributary to Suisun Bay



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Bay Point Factors Promoting Cooperation

- Existing Relationships With Trustees
- Trust
- Agreement to Cooperate a No-Brainer



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Bay Point Factors Promoting Cooperation

- Ephemeral Data Collection: Joint Effort
- Common Laboratory Selected and Analytes Agreed Upon
- Jointly Conducted Habitat and Wildlife Assessment
- Jointly Measured Area of Injury
- Compared Field Notes
- Parties Stipulated To Wildlife Mortalities
- Result: Good Data Provided Foundation for Negotiation

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Bay Point Factors Promoting Cooperation

- No Lawyers or Consultants at Meetings; Respective Lawyers Were “Kept in the Loop”
- Focused on Restoration
- Result: NRDA Settled After 2 Meetings, Effective Management of Transaction Costs



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Challenges

- **OPA NRDA's More Cooperative Than CERCLA NRDA's**
 - Multiple RPs
 - Not an “Emergency”
 - Determining Injury
 - Baseline
 - Link to Remediation
 - No Foundation for Trust
- **First Step – More and Better Communication**

Summary

- Trust
- Prior Relationships
- Focus on Restoration
- Lining up the Ducks = Success



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NRDA Nirvana



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